

# **City of Indianapolis Six-Month Status Report**

**Report No. 5**

**(October 1, 2008 THROUGH March 31, 2009)**

**Consent Decree**

**Case # 1:06-cv-1456-DFH-VSS**



**Department of Public Works  
Indianapolis Clean Stream Team**

**Date Submitted: April 10, 2009**

<b>Report to:</b>	
<b>U. S. EPA</b>	<b>Chief</b> <b>Water Enforcement and Compliance Assurance Branch</b> <b>Water Division</b> <b>U. S. Environmental Protection Agency, Region 5</b> <b>77 West Jackson Blvd</b> <b>Chicago, Illinois, 60604</b>
<b>IDEM</b>	<b>Chief, Compliance Branch</b> <b>Office of Water Quality</b> <b>Indiana Department of Environmental Management</b> <b>100 North Senate Avenue</b> <b>Mail Code 65-42</b> <b>Indianapolis, IN 46206</b>  <b>Chief, Enforcement Section</b> <b>Office of Legal Counsel</b> <b>Indiana Department of Environmental Management</b> <b>100 North Senate Avenue</b> <b>Mail Code 60-01</b> <b>Indianapolis, IN 46206</b>
<b>From:</b>	<b>City of Indianapolis</b> <b>Department of Public Works</b> <b>2460 City County Building</b> <b>200 East Washington Street</b> <b>Indianapolis, IN 46204</b>

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TABLE 3. DESCRIPTION OF WORK PROJECTED TO BE PERFORMED DURING THE NEXT REPORTING PERIOD (4/01/09 THROUGH 09/30/09)

**1. CONSENT DECREE COMPLIANCE STATUS (XI. ¶ 36 (a))**

**A statement setting forth the deadlines and other terms that Indianapolis has been required by this Consent Decree to meet since the date of the last statement, whether and to what extent Indianapolis has met these deadlines, and the reasons for any noncompliance.**

Table 1, attached, lists all deadlines and other terms required by the Consent Decree since October 1, 2008, and provides the status of compliance for each. Bid Year and Achievement of Full Operation (AFO) Certification Forms are also attached, as applicable, to Table 1.

**2. DESCRIPTION OF WORK (XI. ¶ 36 (b))**

- a. A general description of the work completed within the prior six-month period and, to the extent known, a statement as to whether the work completed in that period meets applicable Design Criteria.**

Table 2, attached, provides a general description of work completed during the current reporting period (10/1/08 through 3/31/09) and whether the work completed meets applicable Design Criteria. Bid Year and Achievement of Full Operation (AFO) Certification Forms are also attached, as applicable, to Table 2.

- b. A projection of work to be performed pursuant to this Consent Decree during the next six-month period.**

Table 3, attached, provides a description of work projected to be performed during the next six-month period.

**3. STATUS OF REQUEST FOR REVISION OF WATER QUALITY STANDARDS (XI. ¶ 36 (c))**

**A statement as to Indianapolis' understanding regarding the status of IDEM's response to the City's request for a revision to water quality standards in accordance with Section 9 of the City's Long Term Control Plan.**

After consultations with EPA and IDEM in this reporting period, the City understands it needs to complete an update of its Financial Capability Assessment (FCA) prior to IDEM approving the City's UAA. Therefore, the City has begun work on its FCA update and, once finished, will submit the results to IDEM and EPA. As part of the FCA update, the City will also prepare a *Control Measures Cost Evaluation Report*. This report is required under Section VI, Paragraph 16 of the Consent Decree to be submitted every five years. Therefore, the City will not have to submit an additional *Control Measures Cost Evaluation Report* until 2014. Once the FCA update is complete, the City also anticipates preparing and providing a presentation to the Indiana Water Pollution Control Board (WPCB) in

order to provide general information on UAAs, as well as emphasize the importance of Indianapolis' UAA to the execution of this Consent Decree.

**4. REPORTS SUBMITTED IN THE PREVIOUS SIX MONTHS (XI. ¶ 36 (d))**

**Copies (to U.S. EPA only) of all Monthly Monitoring Reports and other reports pertaining to CSOs, SSDs and bypassing that Indianapolis submitted to IDEM in accordance with Indianapolis' Current Permits in the previous six months.**

Appendix 1, attached, provides copies of the monthly monitoring reports and other reports pertaining to CSOs, SSDs and bypassing submitted to IDEM during the previous six months.

**5. SEWER SYSTEM OPERATION AND MAINTENANCE PLAN (XI. ¶ 36 (e))**

**1) Copies of any plan that Indianapolis has developed for its contractor United Water (or United Water's successors) with respect to operation and maintenance of the Sewer System during the prior six-month period (e.g., the "Collection System Maintenance Plan").**

The pertinent plans that were developed during this reporting period are attached as Appendix 2.

**2) Any reports that United Water (or its successors) submitted to Indianapolis regarding its implementation of such plan during the prior six-month period (e.g., the "Collection System Maintenance Report").**

Appendix 3, attached, includes relevant portions of monthly reports on system operation and maintenance prepared and submitted to the city by United Water during the previous six months.

**3) A statement as to whether Indianapolis believes that United Water (or United Water's successors) has complied with any such plan.**

Indianapolis believes that United Water has complied with the applicable plans during the last six months.

**4) A statement as to whether United Water's (or United Water's successors) failure to comply with such plan caused any CSO, Unlisted CSO, SSD or bypass.**

Not Applicable.

**6. STATUS OF NOTICES TO PROCEED (XI. ¶ 36 (f))**

**A description of any notices to proceed for any CSO Control Measure or measures specified in Exhibit 3 that Indianapolis has revoked in the prior six-**

**month period, and a description of the status of Indianapolis' compliance with Section VIII with regard to issuance of a new notice to proceed.**

Not Applicable.

## **7. CERTIFICATION STATEMENT**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



David R. Sherman, Director, Department of Public Works



Date

## **8. APPENDICES**

**Appendix 1. Copies of reports submitted to IDEM (XI. ¶ 36 (d))**

**Appendix 2. Copies of plans developed by United Water during the prior six-months**

**Appendix 3. Copies of reports submitted to the City by United Water on Sewer System Operation and Maintenance (XI. ¶ 36 (e))**

**Appendix 4. Control Measure 17 – Non-Material Modification Request Letter**